

# **California Integrated Waste Management Board**

## **Board Meeting**

**March 15-16, 2005**

### **AGENDA ITEM 31**

#### **ITEM**

Discussion Of Local Enforcement Agency Evaluations Through December 31, 2004

#### **I. ISSUE/PROBLEM STATEMENT**

This item updates the Board on the current status of Local Enforcement Agency (LEA) evaluations completed in the current (third) cycle through December 31, 2004. The third evaluation cycle began in May 2003. This item also assesses the Board's progress in responding to the 2003 Bureau of State Audits report, discusses how staff addresses LEA performance in between formal evaluations, and briefly discusses improving the evaluation process statutory framework and providing increased in-field assistance and training related to LEA performance.

#### **II. ITEM HISTORY**

Staff has presented an annual LEA Evaluation update item since the early 1990s. In February 2004, staff presented a discussion item on the LEA evaluation process including a summary of the third cycle through December 31, 2003. In that item, staff discussed measures to prevent downturns of performance outside of the evaluation process, and described how it intended to achieve the Bureau of State Audits 2003 recommendations regarding timeliness of evaluations.

#### **III. OPTIONS FOR THE BOARD**

The Board is not required to take action on this item.

#### **IV. STAFF RECOMMENDATION**

There is no recommendation since this is a discussion item.

#### **V. ANALYSIS**

##### **A. Key Issues and Findings**

##### **Overview**

To date, 21 of 33 LEAs evaluated in this cycle have been found to be fulfilling their responsibilities. Five were found to be fulfilling most responsibilities, while seven require a subsequent corrective action workplan to address their evaluation findings.

##### **Background**

The Board's LEA program encompasses the formation, support and evaluation of the LEAs to ensure their success in consistent enforcement of statute, regulations, and solid waste facilities' permit terms and conditions statewide. The program involves a stepped approach for program staff as well as formal Board involvement in the event that escalating action is warranted, up to and including withdrawal of the LEA's designation approval and decertification.

##### **Certified LEAs**

Currently, 55 Board-certified LEAs perform their permitting, inspection, and enforcement duties throughout the state. Some LEA jurisdictions include multiple

counties. Attachment 1 illustrates the LEA designation and certification process. The Board acts as the enforcement agency in six jurisdictions: the City of Berkeley, the City of Stockton, the City of Paso Robles, the County of Santa Cruz, the County of San Luis Obispo, and the County of Stanislaus. The Board became the enforcement agency in the County of San Luis Obispo in July 2004.

### **LEA Performance Evaluation Framework**

***LEA Evaluations*** -- The Board utilizes statutory and regulatory standards to assess LEA performance and to ascertain that the LEA:

1. Provides consistent enforcement of statute and regulations pertaining to the handling and disposal of solid waste;
2. Implements its Board-approved Enforcement Program Plan (EPP); and
3. Remains in compliance with its certification requirements (i.e., staff adequacy, technical expertise, budget resources, training, and carrying out the processes in their EPP).

Pursuant to PRC 43214, the Board developed performance standards for evaluating LEAs and reviewing each enforcement agency's implementation of the permit, inspection, and enforcement program. These performance standards are located in 14 CCR, Division 7, Chapter 5, Article 2.2. Pursuant to statute and regulation, evaluation staff find that an LEA is not fulfilling its duties if the LEA has:

1. failed to exercise due diligence in the inspection of solid waste facilities and disposal sites;
2. intentionally misrepresented the results of inspections;
3. failed to prepare, or cause to be prepared, permits, permit revisions, or closure and postclosure maintenance plans;
4. approved permits, permit revisions, or closure and postclosure maintenance plans which are not consistent with Part 4 and Part 5 of the Public Resources Code;
5. failed to take appropriate enforcement actions; and
6. failed to comply with, or has taken actions that are inconsistent with, or unauthorized by statute or regulations.

It is important to note that these statutory criteria are limited. For example, the criteria do not address the quality of inspections conducted or permits prepared by a LEA. However, finding #6 (above) can address quality issues to the extent that a LEA does not fulfill a requirement that is specified in statute or regulation.

Staff conduct mandatory LEA evaluations every three years (PRC 43214(b)) or more frequently should the Board or special circumstances dictate a need.

- The evaluation timeframe begins at the conclusion of the last evaluation (the final evaluation results date or conclusion of LEA Evaluation workplan monitoring), and concludes with the initiation date for the current evaluation. The time frame is clearly identified in written correspondence notifying the LEA of its evaluation.
- Any ongoing issues that began *before* the conclusion of the last evaluation and remain unresolved are considered in the current evaluation.
- Staff maintains a 3-6 month LEA evaluation schedule for Division workload and LEA planning purposes. The schedule is tentative, approximate, and subject to change.
- Additionally, Board staff analyzes each jurisdiction's workload in conjunction with budget and other resources on an annual basis to determine staff adequacy. This is

accomplished through annual LEA EPP updates.

Under special circumstances, an evaluation may also be triggered by:

- Board direction, the Executive Director, and/or the Permitting and Enforcement Division Deputy Director for specific LEA statutory and/or regulatory duty performance issues (PRC 43219 (c)).
- Conditions at a solid waste facility/disposal site that cause a threat to public health and safety or the environment.
- Board-verified information provided by California Conference of Directors of Environmental Health, Enforcement Advisory Council, concerned public, other agencies (local, state, federal), or regulated industry.

***LEA Evaluation Process*** -- The existing evaluation process entails a stepped approach that escalates as needed, ultimately involving action by the Board for those instances that cannot be resolved administratively. These steps include:

1. Staff notifies the LEA of its evaluation schedule.
2. Staff utilizes the Solid Waste Information System (SWIS) database and discussions with Permitting and Enforcement Division staff and the LEA to determine if the LEA is fulfilling its duties and responsibilities.
3. Once staff determines the LEA is, or is not, fulfilling its duties and responsibilities, the findings are documented in a written report. For minor program implementation issues, the report can result in either: a) commending the LEA for a job well done; or b) identifying specific issues for improvement in one or more of the LEA's program responsibilities.
4. Administrative (if needed): If staff finds the LEA not to be fulfilling its responsibilities, the first step to correcting the LEA performance issues requires the LEA to develop an evaluation workplan.
5. Administrative steps leading to Board action (if needed): The primary evaluation follow-up activity consists of monitoring LEA workplan progress at regular intervals. Once the LEA meets the workplan tasks, the evaluation process is deemed completed for that cycle. When a workplan is not met, staff convenes an "administrative conference" to resolve any conflicts. An administrative conference can result in preparation/revision of a workplan, or in staff bringing the matter before the Board.
6. Board action: If administrative remedies to improve LEA performance fail, the Board may exercise one or more of the following statutory actions (PRC 43216.5 and 43214, and as codified in 14 CCR, Division 7, Chapter 5, Article 2.3, section 18087) (attachment 3):
  - The Board may establish a schedule and probationary period for improved LEA performance (PRC 43216.5). This period allows due process for the LEA to accomplish performance objectives without direct Board intervention on a local level.
  - The Board may assume partial responsibility for specified LEA duties (PRC 43216.5). Under this option, the Board considers partial de-certification, full de-certification, or withdrawal of designation approval. This action would result in direct Board involvement on a local level. The Board may assume local enforcement agency responsibility on a site/facility basis, on one or more certified LEA duties, or on all LEA certification duties. Full de-certification and withdrawal of designation approval results in the Board becoming the enforcement agency for the jurisdiction. Statute allows the Board to recover its expenses when acting in any of these capacities.
  - The Board may conduct more frequent inspections and evaluations (PRC 43216.5).

- The Board may implement any other measures which it determines to be necessary to improve LEA compliance (PRC 43216.5).
- The Board may take any actions it determines to be necessary to ensure LEAs fulfill their obligations (PRC 43216.5).
- If the lack of LEA performance has contributed to significant non-compliance with state minimum standards at solid waste facilities, the Board shall withdraw its approval of designation (PRC 43214(c)).

In addition to these options, which are part of the evaluation process delineated in statute and regulations, the Board can apply an “Urgency Step” at any time if the Board finds that conditions at solid waste facilities threaten public health and safety or the environment. In this situation, the Board shall, within 10 days of notifying the LEA, become the enforcement agency until another local agency is designated and certified (PRC 43214(c)). Staff prepares a Board agenda item recommending this option when the statutory conditions apply. To date, this step has not been used.

Attachment 2 shows the evaluation process graphically. As shown, if issues cannot be resolved, staff will prepare an agenda item for Board consideration. Attachment 3 shows the process for Board consideration of actions over LEAs.

***California State Auditor Report 2003-113*** – The Bureau of State Audits conducted a review of the Board and local agencies’ oversight of solid waste facilities and issued its report on December 10, 2003. Although the report found that the established scope of the evaluations and their outcomes were appropriate, it identified that the Board did not evaluate all LEAs within the statutorily-mandated three years. The Board discussed the audit findings in February 2004, and staff implemented ways to address them. These included improved internal practices (i.e., both data input and special reports) in order to streamline the evaluation process, and firmer deadlines for internal discussions, fact-finding, and reviews prior to evaluation result report issuance.

As a result of the above enhancements and barring unforeseen circumstances, staff is confident that all LEA evaluations in this cycle will be completed within the 3-year timeframe. Based on data discussed in the LEA Evaluation Findings section on page five of this item, the Board is ahead of schedule for this cycle. If circumstances change, staff will examine, as needed, alternative approaches to the current statutory scheme for LEA evaluation, such as the establishment of a prioritization system based on jurisdictional performance, and/or examine other evaluation models to identify if the Board needs to modify its current system.

***Performance “Triggers”*** – As discussed above, the statutory LEA evaluation mandate (PRC 43214(b)) requires the Board to evaluate LEAs at least once every three years. Consequently, any LEA performance issues which occur in the interim may appear as remaining to be addressed during the next LEA evaluation. That is not the case. Permitting and Enforcement Division staff has established a set of “triggers” (attachment 4) to determine the appropriate time to initiate more timely assistance or provide direction to a LEA. These triggers identify and document negative trends in a LEA program that require correction outside the formal evaluation cycle. Corrective action entails specific measures by appropriate Board staff targeting the deficiency (i.e., specific training, document-processing guidance,

regulatory guidance, enforcement guidance, CEQA guidance, assistance involving other state agencies, etc.). Should this assistive process fail to correct deficiencies, the Board can audit the LEA through an immediate “out of cycle” full performance evaluation (as was the case for Merced County in September 2003), or, if conditions warrant, an agenda item with appropriate options for formal Board action.

Permitting and Enforcement Division staff have discussed several additional ideas to provide better assistance to LEAs and to more readily document and evaluate both successful and deficient performance. These include: 1) conducting more frequent joint inspections with LEAs of all facility and operations types to “calibrate” Board and LEA perspectives; and 2) providing expanded training to LEAs and operators on multiple issues. Implementing these and related ideas should help improve LEA performance, prevent operational problems or solve them more rapidly, and help resolve permitting issues earlier in the permitting process.

### **LEA Evaluation Findings**

Board staff began the third cycle of LEA evaluations in May 2003. Below is a summary of the LEA evaluations and their outcomes as of December 31, 2004:

- Board staff completed 33 evaluations (see attachment 5 for specific details). Of the 33 completed LEA evaluations:
  - 21 LEAs were found to be fulfilling their duties and responsibilities;
  - 5 LEAs were found to be fulfilling most of their duties and responsibilities;
  - 7 LEAs were found to be not fulfilling all their duties and responsibilities; all 7 required a *workplan* in order to address their evaluation findings;
- 11 additional evaluations are currently at various stages of progress (including the Board as EA); and
- 12 LEA evaluations remain to be scheduled over the course of this third 3-year cycle.

Of the 33 completed evaluations, the following summarizes number of LEAs identified within each category of statutory finding:

1. The enforcement agency failed to exercise due diligence in the inspection of closed solid waste facility(ies) and/or disposal site(s) [7].
2. The enforcement agency failed to prepare or caused to be prepared permits, permit revisions, or closure and postclosure maintenance plans [5].
3. The enforcement agency failed to take appropriate enforcement action [3].
4. The LEA failed to comply with, or has taken actions that are inconsistent with, or that are not authorized by statute and regulations [1].

In addition to program performance, the Madera County LEA has certification issues involving conflict of interest, following placement of the LEA program and the county waste management facility operations within the newly established county Resource Management Agency. This situation may require future Board action.

***LEA Evaluation Workplans*** - Evaluation staff typically monitors the LEA’s progress on evaluation workplans at three, six, and nine-month intervals. Monitoring frequency may increase due to workplan requirements. Once the LEA completes the workplan tasks, the evaluation process is deemed complete. Evaluation workplans are vital tools which resolve most LEA performance/ compliance problems. The status of current LEA

evaluation workplans is as follows (see attachment 5 for more details):

- Completed Workplans--three (3) LEAs completed their workplans in 2004 (City of San Jose, 2<sup>nd</sup> cycle, February 2004; Siskiyou County, current cycle, November 2004; Merced County, out-of-cycle, November 2004).
- In-Progress Workplans--six (6) LEAs are working towards meeting the task compliance dates established in their workplans (Fresno County, Lake County, Mono/Alpine Counties, Placer County, Riverside County, San Bernardino County).
- Under Development--two (2) LEAs are developing their workplans as a result of the current evaluation cycle (Madera County and Nevada County).

### **LEA Program Assistance**

The Board implements a number of activities designed to support and enhance LEA efforts in performing their duties, including:

#### *Training and Technical Assistance:*

- timely targeted assistance that the Board accomplishes through a set of “triggers” (as discussed above);
- training; opportunities offered to LEAs and Board inspectors throughout 2004 included Inspector Safety and Unexploded Ordnances; Ionizing Radiation; Inspector Field Training Tour; Hands-On Landfill Gas Training; and Health and Safety Refresher; staff will discuss broader issues related to LEA and operator training and certification at the April 2005 Permitting and Enforcement Committee Meeting.

#### *Electronic Communication:*

- the SWIS database reflects facility compliance with State standards, tracks solid waste trends, provides management and geographic information, and documents all inspection, permitting, and closure data on a site by site basis;
- a LEA network, which provides electronic mail, access to the Worldwide Web and LEA Central (LEA information center), and file transfer services among LEAs and the Board;
- hardware, software, Internet service to LEAs that request it;
- all-LEA e-mails that communicate Board staff advice and technical expertise to the LEAs.

#### *Partnerships:*

- a roundtable forum that provides an opportunity for LEAs, at various locations throughout the State, to address local issues and concerns, and to provide feedback to various Board divisions;
- collaboration with the California Conference of Directors of Environmental Health via various meetings and other activities;
- Board sponsorship of the Enforcement Advisory Council (EAC), which works to achieve coordinated, consistent statewide LEA enforcement programs by providing ongoing communication and a partnership between LEAs and the Board;
- an annual Board/LEA Conference, which provides specific training to meet current needs of LEAs and Board staff; the 7<sup>th</sup> Annual LEA/CIWMB Partnership Conference was held in March 2004. Over 200 attendees participated in technical sessions that ranged from “Performing Emergency Debris Management When Disaster Strikes” to “Solid Waste Facility Inspections, Compliance, and Emerging Trends”.

*Financial and Equipment:*

- LEA Grants are provided by the Board in compliance with statute; the Board disburses \$1.5 million annually in non-competitive grant funds from its Integrated Waste Management Account. Common LEA uses for the grant money include equipment (vehicles, gas monitors, video and digital cameras, and computers), training, consultants, personnel costs and laboratory services;
- a LEA Equipment Loan Program that assists LEAs by providing devices such as air monitoring instruments and any other available equipment as needed. In fiscal year 2004 /2005 over 45 LEAs borrowed scientific and technical instrumentation and equipment, and approximately 30 LEAs received one-on-one technical training.

**B. Environmental Issues**

Staff is unaware of any CEQA or cross-media environmental issues relating to this item.

**C. Program/Long Term Impacts**

The LEA Evaluation Program is an existing program. As such, the long-term impact is to continue to improve LEA performance.

**D. Stakeholder Impacts**

At the time this item was written, staff was not aware of any stakeholder issues or concerns.

**E. Fiscal Impacts**

Staff is not aware of specific significant fiscal impacts arising from this agenda item.

**F. Legal Issues**

Staff is not aware of specific significant legal impacts arising from this agenda item.

**G. Environmental Justice**

Staff is not aware of any environmental justice issues related to this agenda item.

**H. 2001 Strategic Plan**

This plan supports Strategic Plan Goal 4: Managing and mitigating the impacts of solid waste on public health and safety and the environment and promoting integrated and consistent permitting, inspection, and enforcement efforts.

**VI. FUNDING INFORMATION**

This item does not require any Board fiscal action

**VII. ATTACHMENTS**

1. Designation and Certification Process Flowchart
2. LEA Evaluation Process Flowchart
3. Process for Board Consideration of Actions Over LEAs
4. Triggers for LEA Assistance (Branch Responsibilities for LEA Performance Assistance Independent of Evaluation Cycle)
5. Third Cycle of LEA Evaluations Summary

**VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION**

**A. Program Staff:** Gabe Aboushanab

**Phone:** (916) 341-6379

**B. Legal Staff:** Steve Levine

**Phone:** (916) 341-6064

**C. Administration Staff:** N/A

**Phone:**

**IX. WRITTEN SUPPORT AND/OR OPPOSITION**

**A. Support**

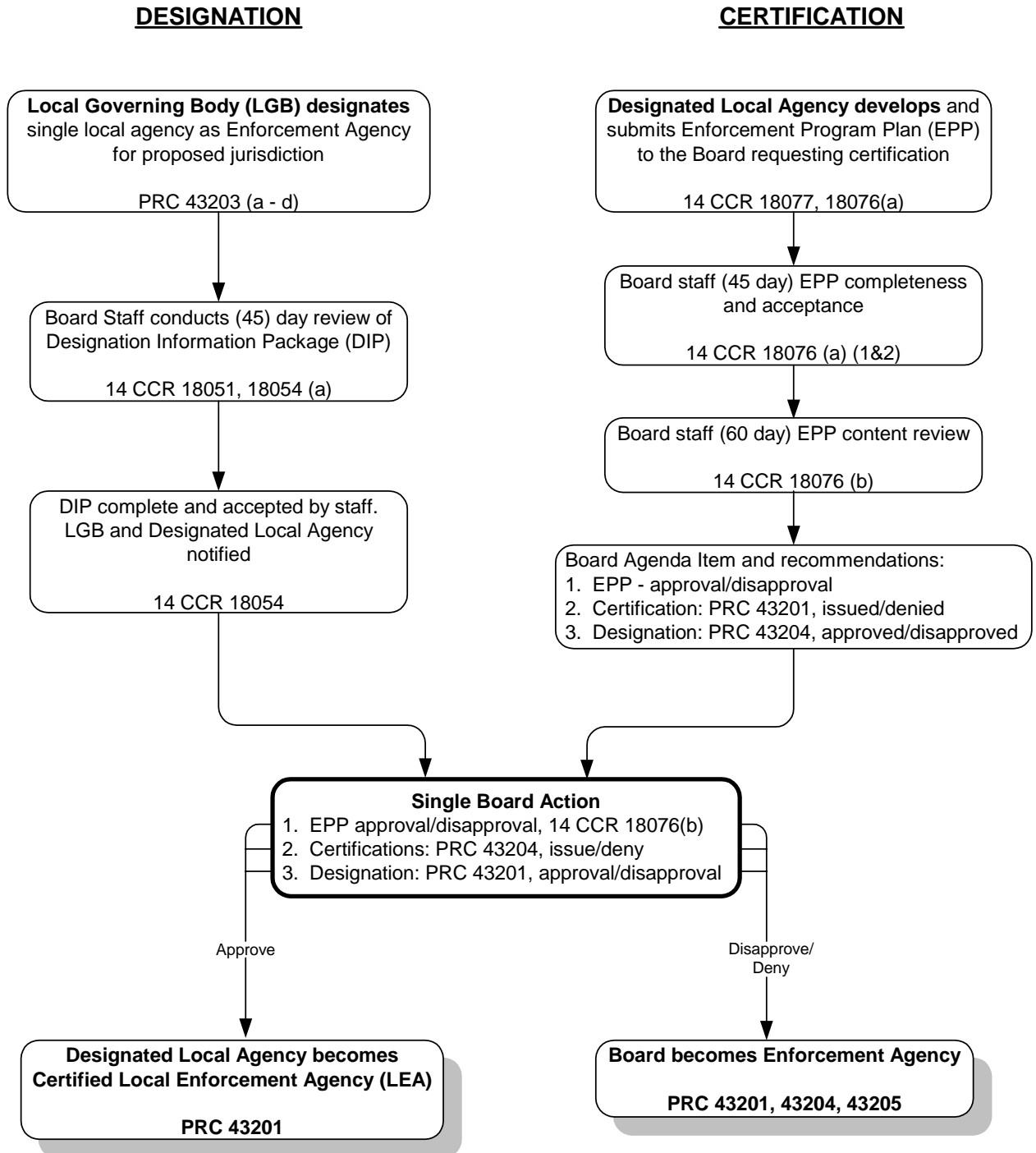
Staff had not received any written support at the time this item was submitted for publication.

**B. Opposition**

Staff had not received any written opposition at the time this item was submitted for publication.



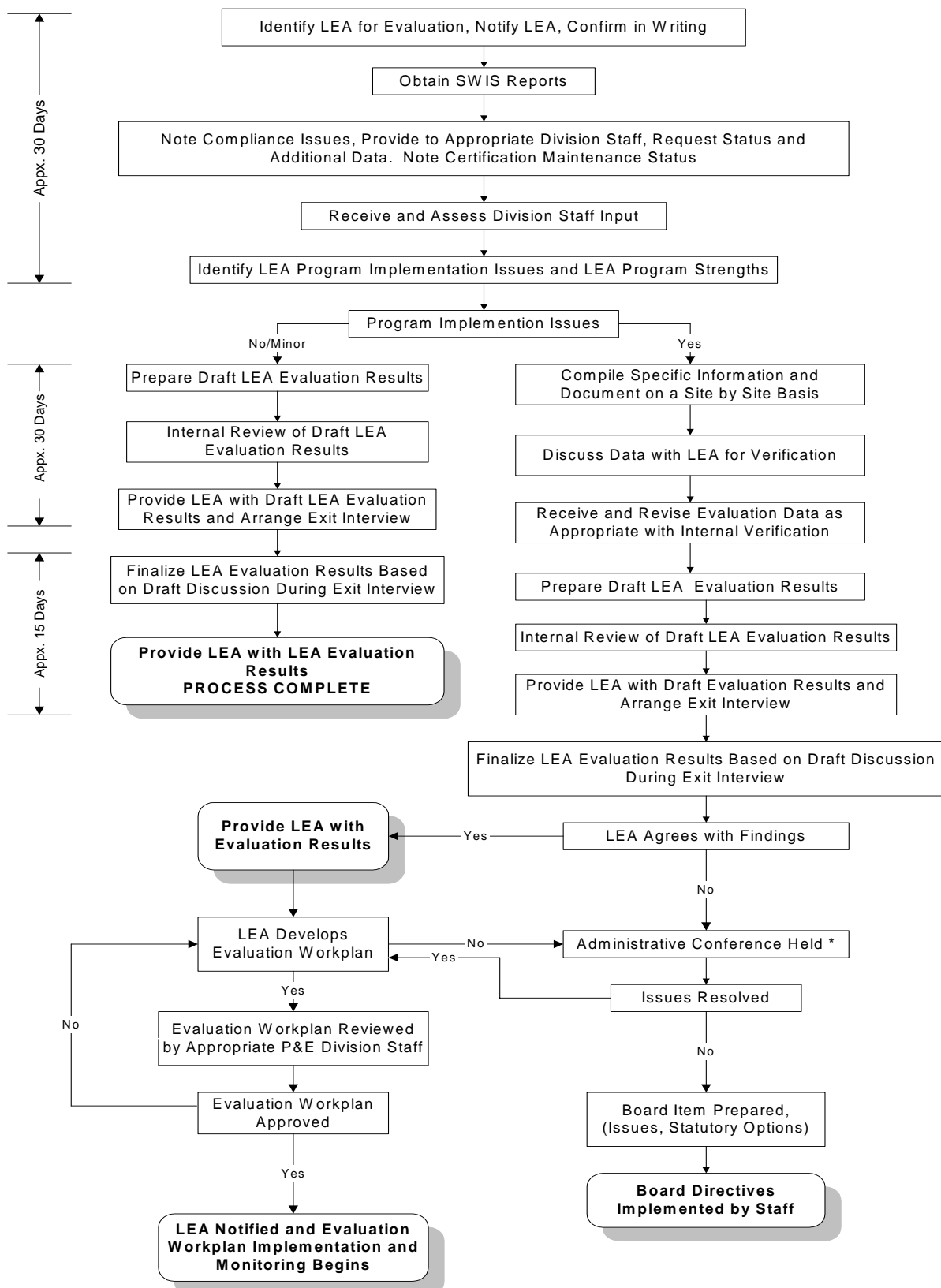
## DESIGNATION AND CERTIFICATION PROCESS



For clarification, the terms “designation” and “certification” are used throughout this process. LEAs must first be designated locally. If the designated agency meets certification requirements, the Board approves that designation and certifies the LEA.

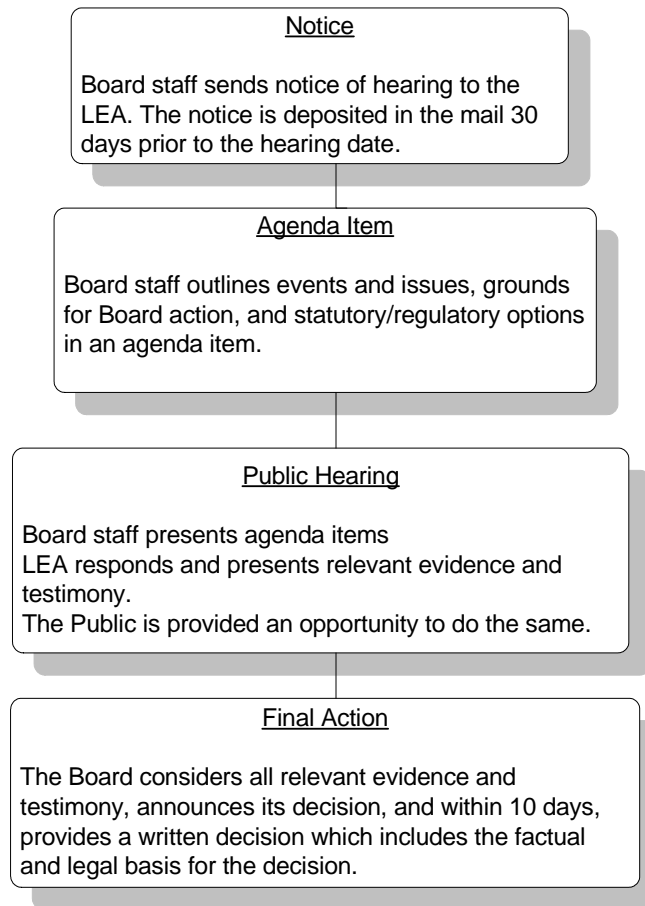
LEAs are agencies designated by their local governing body (Board of Supervisors or City Council). Public Resources Code (PRC), Section 43207 states that no local governmental department or agency, or any employee thereof, which is the operating unit for a solid waste handling or disposal operation shall be the enforcement agency, or an employee thereof, for the types of solid waste handling or disposal operation it conducts. LEA certification regulations (California Code of Regulations, Title 14, (14 CCR) Chapter 5, Article 1, Section 18011(15)) define "operating unit" as a local agency within the jurisdiction of the designating local governing body that operates, causes to operate, or administers contracts or agreements for any portion of a facility or solid waste handling and disposal system. Board LEA certification staff verifies that the agency designation precludes conflict of interest with local waste management entities (ownership and/or operation) in the manner required by statute and regulations. The designated agency must have experience in the enforcement of public health and environmental regulations. Prior to certifying an agency, the Board assesses designated agencies through a certification process spelled out in regulation (see reverse of this attachment). The regulatory assessment includes determination of staff adequacy, technical expertise, budget resources, training, and review and approval of an agency Enforcement Program Plan (EPP). All certification requirements must be maintained by LEAs and demonstrated through submittal of annual EPP updates.

## LEA EVALUATION PROCESS

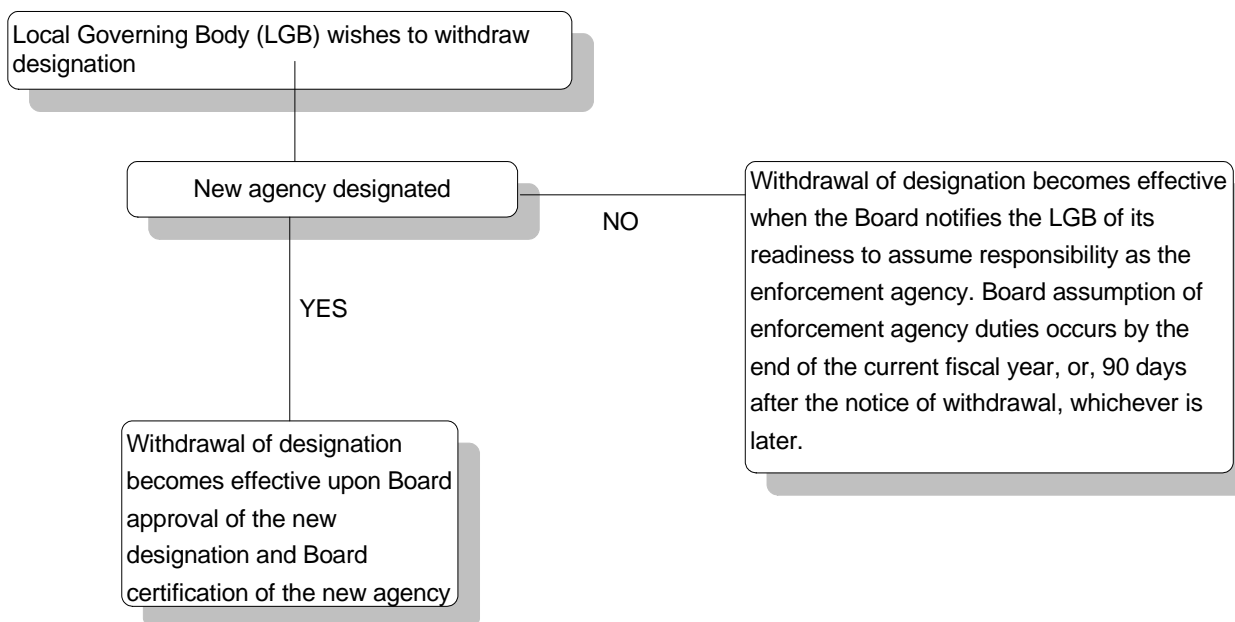


\* An administrative conference is held to resolve any conflicts arising from a LEA evaluation or subsequent evaluation workplan monitoring

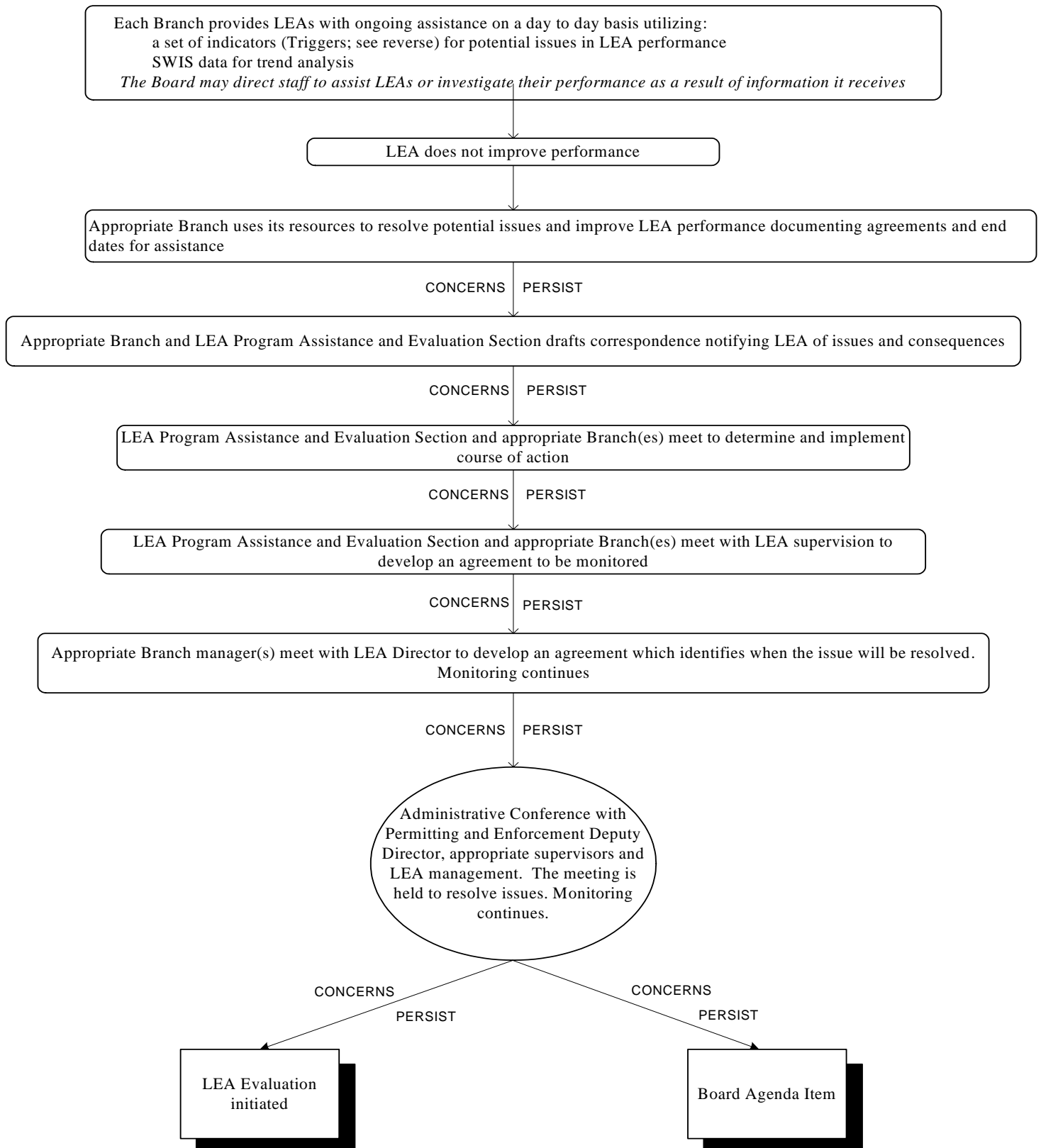
### Process for Board Consideration of Actions Over Local Enforcement Agencies (14 CCR 18087)



### Withdrawal of Designation Approval and/or Decertification



### Branch Responsibilities for LEA Performance Assistance Independent of Evaluation Cycle



**TRIGGERS FOR LOCAL ENFORCEMENT AGENCY ASSISTANCE**

**A. INSPECTION PROGRAM TRIGGERS**

1. Are permitted, illegal, inactive, abandoned, and exempt sites inspected according to the required regulatory frequency?
2. Does the LEA send inspection reports to the CIWMB within 30 days?
3. Does the LEA represent inspections correctly?
4. Does the LEA fill out inspection forms correctly?
5. If there are written complaints, is the LEA following up appropriately?

**B. ENFORCEMENT PROGRAM TRIGGERS**

1. If any of the LEA's sites are on the Inventory, has the LEA issued a compliance schedule within 15 days and is following up appropriately?
2. The LEA may not be taking appropriate enforcement action.
3. Is the LEA writing enforcement orders correctly per CCR, Title 14, Section 18304?
4. Is the LEA enforcing orders?

**C. PERMIT PROGRAM TRIGGERS**

1. Is the LEA submitting complete and/or correct packages per CCR, Title 27, Section 21685 and for tiered permit process?
2. Are permit review reports and reissuances prepared adequately and submitted as required?
3. Is the LEA preparing and issuing permits/RFI amendments according to the time frames?
4. Is the LEA identifying and pursuing permits for active unpermitted facilities?
5. Is the LEA properly processing owner/operator changes and/or RFI amendments per CCR, Title 27, Sections 21665 and 21670?
6. Is the LEA pursuing permit revisions as identified in the permit review report or during inspections?
7. Is the LEA providing evidence of the required findings for permit/CEQA/RFI amendments correctly?

**D. CLOSURE PROGRAM TRIGGERS**

1. Have sites within the LEA's jurisdiction met applicable closure/postclosure requirements?
2. Are closed sites within the jurisdiction inspected quarterly or at an approved Site Identification Process (SIP) frequency?
3. Are any closed sites **not** maintaining compliance with closure/postclosure requirements as reported on closed site inspection forms?
4. Are appropriate enforcement actions taken for facilities not complying with closure regulations?
5. Are any sites in the LEA's jurisdiction listed for non-compliance with closure requirements?
6. Is the LEA assessing closed, illegal, and abandoned sites that need to be investigated?

**E. CERTIFICATION PROGRAM TRIGGERS**

1. Are there any changes in the designation or responsibility of an LEA that may result in a conflict of interest?
2. Is the LEA maintaining the staff technical expertise and levels identified in its EPP?
3. Does the current budget indicate adequate resources?
4. Is the EPP updated annually as required?
5. Are training requirements being met?
6. Is the EPP facility/site enumeration consistent with SWIS? If not, Certification staff will forward discrepancies to the appropriate Permitting and Inspection or Closure staff contacts to reconcile SWIS with the LEA's updated information.

**NOTE:** All P&E Division branches will coordinate issues. When assistance is given to the LEA by CIWMB staff other branch contacts are notified so that other issues can be coordinated (as needed) at the same time.

THIRD CYCLE OF LEA EVALUATIONS

Jurisdiction	Inspection Issues	Permit and Closure Issues	Enforcement Issues	Certification Maintenance Issues	Date Schedule/ Completion	Date Workplan Approved	Comments
Alameda County					6/14/04		IN-PROGRESS
Amador County							
Butte County	1b	NONE	NONE	Staffing	8/6/2004		FULFILLED DUTIES (Issue 1b)
Calaveras County	NONE	NONE	NONE	NONE	8/19/04		FULFILLED DUTIES
City of Los Angeles					6/21/2004		IN-PROGRESS
City of Pittsburg	1b	NONE	NONE	NONE	10/22/2003		FULFILLED MOST DUTIES (Finding 1b)
City of San Diego	NONE	NONE	NONE	NONE	1/8/2004		FULFILLED DUTIES
City of San Jose					12/27/04		IN-PROGRESS (2nd cycle workplan completed 2/2004)
City of Vernon	NONE	NONE	NONE	NONE	5/20/2004		FULFILLED DUTIES
City of West Covina	NONE	NONE	NONE	NONE	7/16/2003		FULFILLED DUTIES
Colusa County							
Contra Costa County	1b	NONE	NONE	NONE	9/23/04		FULFILLED MOST DUTIES (Finding 1b)
Del Norte County	NONE	NONE	NONE	NONE	6/28/2004		FULFILLED DUTIES
El Dorado County							
Fresno County						2nd cycle 4/03	2nd Cycle Workplan Approved 4/03 SITE STATUS Clovis LF On-going monitoring
Glenn County	NONE	NONE	NONE	NONE	6/17/04		FULFILLED DUTIES
Humboldt County					8/23/04		IN-PROGRESS
Imperial County	NONE	NONE	NONE	NONE	4/6/2004		FULFILLED DUTIES
Inyo County							
Kern County					12/22/04		IN-PROGRESS
Kings County	NONE	NONE	NONE	NONE	5/19/2004		FULFILLED DUTIES

THIRD CYCLE OF LEA EVALUATIONS

Jurisdiction	Inspection Issues	Permit and Closure Issues	Enforcement Issues	Certification Maintenance Issues	Date Schedule/ Completion	Date Workplan Approved	Comments
Lake County	1a, 1b	3a, 3b	NONE	NONE	5/19/2004	11/04	EVALUATION WORKPLAN (Findings 1a, 1b, 3a, 3b) SITE STATUS Eastlake SLF On going monitoring Lakeport TS On-going monitoring
Lassen/Modoc/Plumas/Sierra							
Los Angeles County					9/27/04		IN-PROGRESS
Madera County		3b	5	conflict of interest;staffing	9/27/04	1/05	EVALUATION WORKPLAN (Finding 3b, 5) SITE STATUS Fairmead TS First monitoring due March 2005 Mammoth TS First monitoring due March 2005
Mariposa County	NONE	NONE	NONE	NONE	6/21/04		FULFILLED DUTIES
Marin County	NONE	NONE	NONE	NONE	8/17/04		FULFILLED DUTIES
Mendocino County	NONE	3a	NONE	NONE	3/24/2004		FULFILLED MOST DUTIES (Finding 3a)
Merced County							Evaluation Workplan from outside cycle completed 11/2004
Mono/Alpine Counties						2nd cycle 2/03	2nd Cycle Workplan Approved 2/03 (Finding 3b, 5) SITE STATUS Benton Crossing LF On-going Pumice Valley LF On-going LEA did not comply with Evaluation Workplan during 1st and 2nd monitoring intervals
Monterey County							
Napa County	NONE	NONE	NONE	NONE	6/22/2004		FULFILLED DUTIES
Nevada County	1b	NONE	NONE	NONE	12/20/04		EVALUATION WORKPLAN (Finding 1b) SITE STATUS Closed Sites Workplan under development (obtaining additional staff members)
Orange County	NONE	NONE	NONE	NONE	10/22/2004		FULFILLED DUTIES
Placer County	NONE	NONE	5		3/29/2004	8/04	EVALUATION WORKPLAN (Finding 5) SITE STATUS Dutch Flat Diggins On-going Auburn LF On-going
Riverside County	NONE	3a, 3b	NONE	NONE	9/20/2004	12/04	EVALUATION WORKPLAN (Findings 3a, 3b) SITE STATUS Edom Hill LF On-going Badlands LF On-going
Sacramento County	NONE	NONE	NONE	NONE	12/23/2003		FULFILLED DUTIES
San Benito County	NONE	NONE	NONE	NONE	10/13/2004		FULFILLED DUTIES



### THIRD CYCLE OF LEA EVALUATIONS

Jurisdiction	Inspection Issues	Permit and Closure Issues	Enforcement Issues	Certification Maintenance Issues	Date Schedule/ Completion	Date Workplan Approved	Comments
San Bernardino County	NONE	NONE	5	NONE	5/27/2004	8/04	EVALUATION WORKPLAN (Finding 5 and 6) SITE STATUS 7 Closed LFs On-going Vidal Junction On-going Waterman CIA LF On-going
San Diego County					08/23/04		IN-PROGRESS
San Francisco County	1b	NONE	NONE	NONE	12/15/2003		FULFILLED MOST DUTIES (Finding 1b)
San Joaquin County	NONE	NONE	NONE	NONE	12/18/2003		FULFILLED DUTIES
San Mateo County	1b	NONE	NONE	NONE	5/17/2004		FULFILLED MOST DUTIES (Finding 1b)
Santa Barbara County	NONE	NONE	NONE	NONE	12/10/2003		FULFILLED DUTIES
Santa Clara County	NONE	NONE	NONE	NONE	10/15/2003		FULFILLED DUTIES
Shasta/Trinity County					5/10/04		IN PROGRESS
Siskiyou County	1b	3b	NONE	NONE	12/22/2003	4/04	EVALUATION WORKPLAN (Findings 1b, 3b); Completed 11/04
Solano	NONE	NONE	NONE	NONE	5/19/2004		FULFILLED DUTIES
Sonoma	NONE	NONE	NONE	NONE	5/24/2004		FULFILLED DUTIES
Tehama County							
Tulare County	NONE	NONE	NONE	Hearing Panel	8/30/04		IN-PROGRESS
Tuolumne							
Ventura County	NONE	NONE	NONE	NONE	8/28/2003		FULFILLED DUTIES
Yolo County							
Yuba/Sutter Counties					7/4/2004		IN-PROGRESS
CIWMB EA Section					11/22/2004		IN PROGRESS
56 total							
	1. The LEA has failed to exercise due diligence in inspection solid waste facilities and disposal sites: a) active/permitted, b) closed, c) exempt, d) inactive, e) illegal						
	2. The LEA has intentionally misrepresented the results of inspections.						
	3. The LEA has failed to prepare or cause to be prepared permits, permit revisions, or closure and postclosure maintenance plans a) Permit Review Reports, b) Permits, Permit Revisions/Modifications, c) Closure/Postclosure plans.						
	4. The LEA has approved permits, permit revisions, or closure and postclosure maintenance plans which are inconsistent with statute.						
	5. The LEA has failed to take appropriate enforcement action.						
	6. The LEA has failed to comply with, or has taken actions that are inconsistent with, or that are not authorized by statute and regulations.						
<b>Definitions</b>							
	Fulfilled Duties: No negative findings were made with respect to six statutory evaluation criteria. However, a minor issue may exist that can be corrected.						
	Fulfilled Most Duties: The LEA failed to perform required inspections or minor deficiency addressed during evaluation process. No workplan necessary.						
	Evaluation Workplan: Evaluation staff identified program deficiencies. LEA required to develop workplan to correct deficiencies.						

### THIRD CYCLE OF LEA EVALUATIONS

Jurisdiction	Inspection Issues	Permit and Closure Issues	Enforcement Issues	Certification Maintenance Issues	Date Schedule/ Completion	Date Workplan Approved	Comments
	In Progress:	LEA currently undergoing evaluation					

# California Integrated Waste Management Board

## LEA Evaluation Results

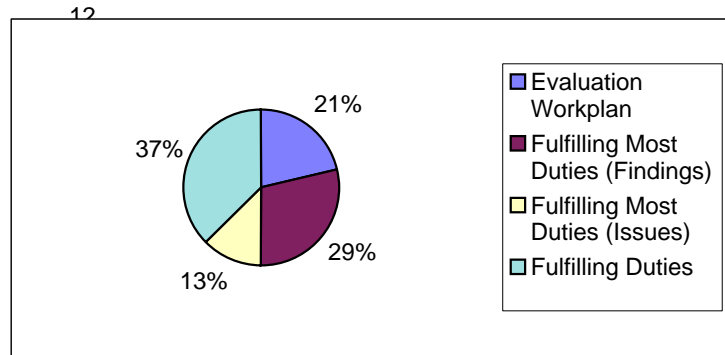
Cycle Ending March 1996

Evaluation Workplan

Fulfilling Most Duties (Findings)

Fulfilling Most Duties (Issues)

Fulfilling Duties



- a) Inspection Frequency
- b) Permit/Permit Revision/Other Permit Issue
- c) Closure/Post Closure
- d) Appropriate Enforcement
- e) Staffing
- f) Budget Resources
- g) EPP Update/Component
- h) Other